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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/384,154	08/27/1999	DONALD SPECTOR	4021.122	7440

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EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 04/18/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/384,154

Applicant(s)

SPECTOR, DONALD

Examiner

Jungwon Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. Claims 1-8 are presented for examination.
2. It is noted that although the present application does contain line numbers in the claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the examiner and applicant all future correspondence should include the recommended line numbering.
3. Specification is objected because reference character "17" has been used to designate both "microwave transceiver" and "data bank" (see specification, page 9, lines 9 and 12); and reference character "11" has been used to designate both "Internet highway" and "computer" (see specification, page 8, line 12 and page 9, line 4). Appropriate correction is required.
4. The numbering of claims is not accordance with 37 C.F.R. 1.126. The numbering of the claims must be consecutively beginning with the number next following the highest numbered claims previously presented (i.e. claim number is duplicate, two claim 4. Claims 4-7 now renumbered as claims 5-8).

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5. Claim 1 is objected because the following informalities:

Line 13, please delete after "full address;" ---and---

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

a. The following terms lack proper antecedent basis:

- i. the profiles – claim 1, line 14;
- ii. the profile – claim 1, line 16;

b. The claim language in the following claims is not clearly understood:

- i. as to claim 1, lines 2 and 18-19, it is uncertain whether "this individual" refers to "an individual" in line 1. (if they are the same, then such should be indicated by use of the word ---said---);  
line 7, it is not clearly indicated what is meant by "it";  
line 9, it is not clearly indicated what is meant by "its" (i.e. the individual's);  
line 11, it is uncertain whether "the highway" refers to "an Internet highway" in line 7;  
lines 12-13 and 20, it is not clearly understood what is meant by "his" (i.e. the individual's);

***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-3 and 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by AAPA (Applicant Admitted Prior Art).

8. As to claim 1, AAPA discloses the invention as claimed, including a network for targeting an individual operating a microcomputer in order to offer to supply the individual with appropriate goods or services available at a place within reach of the individual's present location (specification, page 2, lines 17-20); said network comprising:

A. means associated with the microcomputer to microwave-link it to an Internet highway (specification, page 3, lines 12-13);

B. means associated with the microcomputer to indicate its present location (specification, page 3, lines 14-15);

C. means to convey over the microwave link from the microcomputer to a web site on the Internet highway, the identification of the individual and his present location, thereby providing his full address (specification, page 3, lines 11-18);

D. means at the web site storing the profiles of a multitude of individuals who are consumers of the goods or services to determine from the profiles of individuals whose address has been forwarded to the web site, which goods or services are appropriate to this individual and are available at a place reachable from his present address (specification, page 4, lines 9-23 and page 5, lines 1-2); and

E. means to convey from the web site to the microcomputer an offer to supply said appropriate goods or services (specification, page 4, lines 22-23 and page 5, lines 1-2).

9. As to claims 2 and 3, AAPA discloses microwave-linked is provided by a radio transceiver and present location is indicated by a GPS receiver (specification, page 3, lines 11-22).

10. As to claim 5, AAPA discloses said profiles are stored in a data bank (specification, page 4, lines 9-16).

11. As to claim 6 AAPA discloses the profiles are analyzed by a programmed computer to determine which goods or services are appropriate (specification, page 4, lines 17-23 and page 5, lines 1-2).

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12. As to claims 7 and 8, AAPA discloses a system to identify individuals who are potential customers for various goods or services (specification, page 4, lines 19-22), said system comprising:

A. a data bank in which is stored a multitude of individuals who are consumers and their respective profiles which include the individual's preferences in regard to various goods and services (specification, page 4, lines 9-16); and

B. means to determine whether a particular individual is included in the data bank, and to then analyze his profile to determine whether he is a potential customer for specified goods or services (specification, page 4, lines 17-23 and page 5, lines 1-2).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA (Applicant Admitted Prior Art) in view of Gerace (US 5,991,735).

15. As to claim 4, AAPA does not specifically disclose microcomputer has an E-mail address that identifies the individual.

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16. However, Gerace discloses microcomputer has E-mail address that identifies the individual (col. 6, lines 22-31; col. 9, lines 55-63).

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of AAPA and Gerace because Gerace's e-mail address would improve the integrity of Gerace's system by identifying the individual's name of the e-mail address and individual's location.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Katz et al., patent 6,055,513, Messner, patent 6,370,514 B1, Ogilvie, patent 6,324,650 B1, Chou et al., patent 6,055,504 disclose method and system for accommodating electronic commerce in a communication network capacity market.

Rosen et al., patent 6,014,090, Orndorff, patent 5,754,933 disclose method and apparatus for geographic location identifier.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:00-5:30 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone numbers for



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the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Jungwon Chang  
April 11, 2002

  
ZARNI MAUNG  
PRIMARY EXAMINER